



CITY APPOINTEES  
MARY SHARP, VICE CHAIR  
BERLIN BOYD  
RUSTY LINKOUS  
MARGARET PRITCHARD  
JAMES TOLES

# MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD

EST. 1922 AS MEMPHIS PLANNING COMMISSION - REORGANIZED IN 1976

JOSH WHITEHEAD, AICP, SECRETARY

CITY HALL - 125 N. MAIN ST., STE. 468 - MEMPHIS, TENNESSEE 38103 - (901) 576-6619



COUNTY APPOINTEES  
JON MCCREERY, CHAIR  
CASANDRA BELL-WARREN  
ROBERT NORCROSS  
EMILY TRENHOLM  
LISA WILBANKS

## MINUTES October 10, 2013

### Meeting Attendance

#### LUCB Board Members

OFFICERS/MEMBERS	NAME	PRESENT	ABSENT
Chairman	Jon McCreery	X	
Vice Chairperson	Mary Sharp	X	
Member	Cassandra Bell-Warren		X
Member	Berlin Boyd	X	
Member	Rusty Linkous		X
Member	Margaret Pritchard	X	
Member	Robert Norcross	X	
Member	James Toles	X	
Member	Emily Trenholm	X	
Member	Lisa Wilbanks	X	
Alt. Member	Frank Colvett, Jr.		X

### Call to Order and Roll Call

Chairman McCreery called the meeting to order at 10:00 a.m. Josh Whitehead called the roll. There was a quorum.

**LUCB Staff:** Josh Whitehead, Brian Bacchus, Don Jones, Gregory Love, Terry Langlois, Burk Renner, Calvin Abram, and Chip Saliba.

**Others Present:** Steve Auterman, Tony Bologna, Homer Branan, T. K. Buchanan, Gerald Carter, James Collins, Jack Culp, Michael J. Fahy, Councilwoman Wanda Halbert, Jerry Hall, Richard E. Hudson Jr., Jacqueline Hudson, Trip Jones, Lou Katzerman, Donna Palmer, Frank Palumbo, Jade Parker, Cindy Reaves, Brenda Solomito, John Stevenson, Judson Tepaske, and Jane Woods.

### Chairman's Opening Remarks

Chairman McCreery read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement. He also acknowledged and welcomed new Board Member Cassandra Bell-Warren to the LUCB.

### Secretary's Report

There was none.

### Approval of Minutes: September 12, 2013

Board Member Wilbanks made a motion to approve LUCB minutes from September 12, 2013 with the noted correction. The motion was seconded by Board Member Pritchard. The motion passed unanimously.

### **General Order of Public Hearing**

Chairman McCreery explained the procedure for hearing the applications; staff presentation for the application; applicant comments; comments from the public; time limits; rebuttal; and the LUCB's discussion and action. The Consent Agenda Items 1 through 4 was read. Chairman McCreery also explained the procedure for hearing the Consent Agenda Items. He then introduced Board Member Lisa Wilbanks to be the Subdivision Chair and to read the Consent Agenda Items.

### **Consent Agenda (Items 1-4)**

**1. CASE NUMBER:**

**DEVELOPMENT NAME:**

Request:

Staff's Recommendation:

**S 11-015**

**WYCHEWOOD PLACE SUBDIVISION**

Appeal of the decision of the Planning Director to deny the Applicant's request to reduce the front yard building setback from 115 feet to 100 feet along Walnut Grove Road for Lot 1 in accordance with the Minor Subdivision appeal procedure in Sub-Section 9.7.6H of the Unified Development Code

Rejection of setback reduction by the Planning Director

**2. CASE NUMBER:**

**LOCATION:**

Request:

Staff's Recommendation:

**P.D. 05-370**

**MSM PLANNED DEVELOPMENT**

Major Modification of a Planned Development for an additional driveway access (limited to right-in/right-out)

Approval with conditions

**3. CASE NUMBER:**

**DEVELOPMENT NAME:**

Request:

Staff's Recommendation:

**P.D. 11-309**

**HOUSTON LEVEE TRAILS P.D. 1<sup>ST</sup> ADDITION; 3<sup>RD</sup> AMENDEMENT**

Site Plan Review-Major Modification of Outline Plan

Approval with 3 conditions and 1 waiver

**4. CASE NUMBER:**

**LOCATION:**

Request:

Staff's Recommendation:

**PD 04-316 CC**

**BUCKLAND PLANNED DEVELOPMENT**

1) Approve completion of new western fence extension inside a conservation easement.

2) Remove requirement to submit request(s) for changes within the conservation easement to the Land Use Control Board

Approval with conditions

Chairman McCreery asked if there were any items needed to removed/pulled for discussion. It was noted to pull all of the Consent Agenda Items for discussion. Chairman McCreery then asked Board Member Wilbanks to read the Consent Agenda Items that were pulled for discussion. She then read the cases.

**Item 1: CASE #: S 11-015**

**WYCHEWOOD PLACE SUBDIVISION**

Request:

Appeal of the decision of the Planning Director to deny the Applicant's request to reduce the front yard building setback from 115 feet to 100 feet along Walnut Grove Road for Lot 1 in accordance with the Minor Subdivision appeal procedure in Sub-Section 9.7.6H of the Unified Development Code

Location:

Southwest corner of Walnut Grove Road and Wychewood Cove

Applicant:

TTJ Properties

Representative for applicant:

Jack Culp, Jack Culp Construction, 1969 Higbee Ave. Memphis, TN 38104

MOTION: Denial of applicant's appeal

MADE BY: Wilbanks

SECOND: Pritchard

AYES: Boyd, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and Chairman McCreery

**Item 1 – DENIED**

**Item 2: CASE #: P.D. 05-370**

**MSM PLANNED DEVELOPMENT**

Request:

Major Modification of a Planned Development for an additional driveway access (limited to right-in/right-out).

Location:

2288 Germantown Parkway (100 ft. south of Varnavas Dr.)

Applicant:

Mark D. Utley d/b/a Gerpark LLC

Representative for applicant:

Brenda Solomito, Solomito Land Planning, 2067 Kirby Parkway, Memphis, TN 38119

Chairman McCreery recognized the following people who spoke from the audience in opposition to the case.

John Stevenson, City Engineering, 125 N. Main St., Memphis, TN 38103

MOTION: Approval

MADE BY: Wilbanks

SECOND: Boyd

AYES: Norcross, Wilbanks and Chairman McCreery

NAYS: Boyd, Pritchard, Sharp, Toles, and Trenholm

**Item 2 – DENIED**

**Item 3: CASE #: P.D. 11-309**

**HOUSTON LEVEE TRAILS P.D. 1<sup>ST</sup> ADDITION; 3<sup>RD</sup> AMENDMENT**

Request: Site Plan Review-Major Modification of Outline Plan.  
Location: Southeast corner of Highway 64 Houston Levee Road  
Applicant: First Alliance Bank  
Representative for applicant: Cindy Reaves, SR Consulting, LLC, 5909 Shelby Oaks, Ste. 200, Memphis, TN 38134.

MOTION: Approval with Friendly Amendment  
MADE BY: Wilbanks  
SECOND: Pritchard  
AYES: Boyd, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and Chairman McCreery

**Item 3 – APPROVED**

**Item 4: CASE #: PD 04-316 CC**

**BUCKLAND PLANNED DEVELOPMENT**

Request: 1) Approve completion of new western fence extension inside a conservation easement.  
2) Remove requirement to submit request(s) for changes within the conservation easement to the Land Use Control Board.  
Location: Northern terminus of Buckland Cove, 1,070 feet north of Raleigh-LaGrange Road  
Applicant: Husni and Nuha Dweik  
Representative for applicant: Jerry Hall

Chairman McCreery recognized the following people who spoke from the audience in opposition to the case.

Jade Parker, 285 Falling Creek, Eads, TN 38028  
Judson Tepaske, 9406 Rocky Hills Dr., Cordova, TN 38018

MOTION: Approval with conditions as follows:

1. The existing north-facing wall section shall be faced with the same stone pattern that has been applied to the south-facing wall section.
2. All conditions approved by the Land Use Control Board on February 9, 2012, shall remain in effect, with the following exceptions:
  - a. The number of Leyland Cypresses may be reduced from 12 to 8, provided they are evenly spaced over the same area. In lieu of this reduction, the applicant may choose a different columnar tree, such as a Juniper, but the number of specimen shall remain at 12.
  - b. The 16-inch by 16-inch pilasters, spaced at 16-foot intervals, may be deleted from the wall.
3. The site plan shall be re-recorded to reflect the deletion or changing of the landscaping. The applicant shall implement these improvements by December 31, 2013, and subsequently re-record the plat.

4. (new condition): The applicant shall remove cement, damaged trees and generally clean up the pedestrian walkway on the Parkers' property so it is in as pristine condition as much as can be achieved and restore it to good repair.
5. (moved from no 4): The following note shall be placed on the re-recorded plat:  
*The purpose of this instrument is to memorialize certain encroachments into the conservation easement on Lot 5. Physical changes and improvements can be made to Lot 5 outside of the conservation easement without necessitating the re-recording of this instrument. Any physical changes and improvements within the conservation easement shall require Land Use Control Board action and the re-recording of this instrument.*

MADE BY: Wilbanks  
SECOND: Boyd  
2<sup>nd</sup> MOTION: That the Leyland Cypresses shall be planted on the Parkers' property  
MADE BY: Pritchard  
SECOND: Wilbanks  
AYES: Pritchard  
NAYS: Boyd, Norcross, Sharp, Toles, Trenholm, Wilbanks, and Chairman  
McCreery  
VOTES ON ORIGINAL MOTION:  
AYES: Boyd, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and  
Chairman McCreery

**Item 4 – APPROVED AS AMENDED**

**REGULAR AGENDA ITEMS:**

Chairman McCreery introduced Board Member Pritchard as Zoning Chair and she then called the first case.

**Item 5: CASE #: S 13-007**

Request: Six (6) lot subdivision to allow single family-attached  
Semi-attached homes, including a waiver of the  
extension of Lansford Drive to Ramill Road.  
Location: East side of Ramill Road at the western terminus of  
Lansford Drive  
Applicant: H & M Carter, Inc.  
Representative for applicant: Frank Palumbo, Doveland Building & Engineering Co.,  
5119 Summer Ave., Memphis, TN 38122

Chairman McCreery recognized the following people who spoke from the audience in favor to the case.

Gerald Carter, 4869 Fairfield Rd., Memphis, TN 38116

Chairman McCreery recognized the following people who spoke from the audience in

opposition to the case.

John Stevenson, City Engineering, 125 N. Main St., Memphis, TN 38103

MOTION: Approval with a Friendly Amendment  
MADE BY: Pritchard  
SECOND: Wilbanks  
AYES: Boyd, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and  
Chairman McCreery  
2<sup>nd</sup> MOTION: Add Condition 5 to extend Landsford Dr. to Ramill Rd.  
MADE BY: Trenholm  
SECOND: none

\*Motion was removed from the floor.

**Item 5 Original Motion- APPROVED**

**Item 6: CASE #: PD 13-322**

Request: Residential Urban-1 (RU-1) District.  
Location: Allison Avenue (125 feet +/-west of Graham Street  
Applicant: Archimania  
Representative for applicant: SR Consulting, LLC (Cindy Reaves), 5909 Shelby Oaks,  
Ste. 200, Memphis, TN 38134

MOTION: Approval with Conditions.  
MADE BY: Pritchard  
SECOND: Boyd  
AYES: Boyd, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and  
Chairman McCreery

**Item 6 - APPROVED**

**Item7: CASE #: S.U.P. 13-219**

Request: Special permit to allow a CMCS tower a maximum of  
one-hundred sixty(160) feet in height to accommodate  
a maximum of six (6) flush-mount antennae.  
Location: Northwest corner of Rockdale Cove and Mill Branch Road  
Applicant: TV6-W, LLC (d/b/a: Tower Ventures, LLC)  
Representative for applicant: Lou Katzerman, Tower Ventures, 4091 Viscount Ave,  
Memphis, TN 38118

MOTION: Approval with Conditions.  
MADE BY: Pritchard  
SECOND: Boyd  
AYES: Boyd, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and  
Chairman McCreery

**Item 7 - APPROVED**

**Item 8: CASE #: S.U.P. 13-220**

Request: Construct a one hundred fifty foot (150') CMCS tower.  
Location: 1226 S. Prescott; (366 feet +/-south of Rhodes Avenue)  
Applicant: Tower Ventures LLC (Michael J. Fahy)

MOTION: 30-DAY HOLD  
MADE BY: Pritchard  
SECOND: Toles  
AYES: Boyd, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and  
Chairman McCreery

**Item 8 - APPROVED**

**Item 9: CASE #: S.U.P 13-221**

Request: Special permit to allow a CMCS tower a maximum of one-hundred sixty (160) feet in height to accommodate a maximum of six (6) flush-mount antennae.  
Location: South side of Ernestine Cove; +/-279 feet east of Covington Pike  
Applicant: TV6-W, LLC(d/b/a: Tower Ventures, LLC  
Representative for applicant: Michael Fahy, Prime Development Group, Inc., 7520 Capital Dr, Ste 200, Germantown, TN 38138.

Chairman McCreery recognized the following people who spoke from the audience in opposition to the case.

Jane Woods, 4630 Macon Rd., Memphis, TN 38122

MOTION: Approval with Conditions.  
MADE BY: Pritchard  
SECOND: Boyd  
AYES: Boyd, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and  
Chairman McCreery

**Item 9 - APPROVED**

**Item 10: CASE #: S.U.P. 13-222**

Request: A CMCS Tower, 150' Tall, Monopole Design.  
Location: 3412 Park Avenue (Northside Park Avenue; +/-717 feet west of Highland Street)  
Applicant: TV6 Signal Source Towers, LLC  
Representative for applicant: Michael Fahy, Prime Development Group, Inc., 7520 Capital Dr, Ste. 200, Germantown, TN 38138.

Chairman McCreery recognized the following people who spoke from the audience in opposition to the case.

Councilwoman Wanda Halbert, 3520 Barron Ave., Memphis, TN 38111.

T. K. Buchanan, 941 Robin Hood Lane, Memphis, TN 38111.

MOTION: Approval with Conditions with an amendment for an additional meeting.  
MADE BY: Pritchard  
SECOND: Wilbanks  
2<sup>nd</sup> MOTION: HOLD for 30 days  
MADE BY: Trenholm  
SECOND: Norcross  
AYES: Boyd, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and  
Chairman McCreery

**Item 10 – APPROVED FOR 30-DAY HOLD**

**Item 11: CASE #: P.D. 13-324**

Request: Commercial Planned Development.  
Location: 495 Watkins Street; intersection of Watkins Street and  
Autumn Road  
Applicant: Crosstown Arts  
Representative for applicant: SR Consulting, LLC (Cindy Reaves), 5909 Shelby Oaks,  
Ste. 200, Memphis, TN 38134

\*Board Member Norcross recused himself from this Agenda Item.

Chairman McCreery recognized the following people who spoke from the audience in favor of the case.

Tony Bologna, 785 Harbor Isle Cir., Memphis, TN 38103

Donna Palmer, 1285 Forrest Ave., Memphis, TN 38104

James Collins, Kimberly Horn & Associates, 6625 Lenox Park Blvd #117,  
Memphis, TN 38115

MOTION: Approval with Conditions and as amended by applicant.  
MADE BY: Pritchard  
SECOND: Toles  
AYES: Boyd, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and Chairman  
McCreery

**Item 11 – APPROVED AS AMENDED**

**Item 12: CASE #: P.D. 13-326 CO**

Request: Commercial Mixed Use-2 (CMU-2) District.  
Location: 550 feet northeast of the intersection of Austin Peay Hwy  
(SR-14) & Millington-Arlington Road  
Applicant: James & Richard Freudenberg



Representative for applicant: Homer Branan, 999 S. Shady Grove Rd., Suite 500  
Memphis, TN, 38120

Chairman McCreery recognized the following people who spoke from the audience in favor of the case.

Trip Jones, 9215 Mulberry, Atoka, TN 38004.

MOTION: Approval with Conditions.  
MADE BY: Pritchard  
SECOND: Toles  
AYES: Boyd, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and  
Chairman McCreery

**Item 12 - APPROVED**

**Item 13: CASE #: Z 13-108**

Request: Neighborhood Out Reach Center.  
Location: 29 W. Fay  
Applicant: Richard E. Hudson Jr.  
Representative for applicant: Jacqueline Hudson, 29 W. Fay, Memphis, TN 38109

MOTION: Approval with Conditions.  
MADE BY: Pritchard  
SECOND: Sharp  
AYES: Boyd, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and  
Chairman McCreery

**Item 13 - APPROVED**

**Item 14: CASE #: Z.T.A. 13-004 CC**

Request: These amendments to Sections of the Memphis and Shelby County Unified Development Code address Accessory Dwelling Units on home Sites of One Acre or More Unlisted Accessory Uses, Open Space Requirements, Courtyard Apartments Constructed on Designated Roadways, Infill Subdivisions, Additions to Existing Structures on Designated Roadways, Parking Ratios for Funeral Services, Dimensions for Parking Stalls, Queuing, Limited Outdoor Storage in Required Side Yards, Permanent Signs Permitted Nonresidential Uses in Residential Districts, Temporary Signs in all Districts, Zoning District Boundary Descriptions in the South Central Business Improvement District, Requests that Require Technical Review Committee Analysis, Appeals of the Land Use Control Board and Other Provisions of

Location: the Code.  
The Unified Development Code (Joint Ordinance  
Resolution 397 and 5367 respectively)

Applicant: Josh Whitehead, Planning Director

Chairman McCreery recognized the following people who spoke from the audience in  
opposition to the case.

Steve Auterman, 1897 Snowden Ave., Memphis, TN 38107

**\*APPLICANT WITHDREW AGENDA ITEM FOR 30-60 DAYS.**

**ADJOURNMENT:**

There being no further business, the meeting there upon was adjourned.

MINUTES APPROVED: \_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY